



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 1, 2021

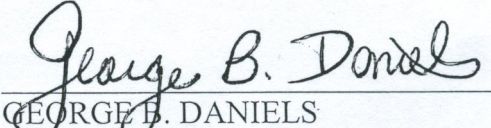
SO ORDERED

VIA ECF

Hon. George B. Daniels  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

The initial conference is adjourned from  
July 14, 2021 to September 8, 2021 at 9:30 a.m.

JUL 08 2021

  
GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

**Re: *Nagpal v. Kendall, et al.*, No. 21 Civ. 1777 (GBD)**

Dear Judge Daniels:

This Office represents the government in the above referenced action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate her Petition for Alien Entrepreneur (Form I-526). I write to respectfully request a one-month extension of time for the government to respond to the complaint, *i.e.*, from July 9 to August 9, 2021. If the Court grants the extension, the government also respectfully requests that the initial conference now scheduled for July 14, 2021, be adjourned until after the extended date for the response, as proposed below.

The extension is requested because the plaintiff's I-526 petition is based on an investment in an economic regional center under the EB-5 Immigrant Investor Program. The Regional Center Program expired on June 30, 2021 because, last week, before going on recess until the middle of July, the Senate was unable to hold a floor vote on reauthorization of that program. USCIS has informed us that efforts to reauthorize the program are anticipated to resume after the recess ends; however, it is not clear when the program will be reauthorized (assuming that it will be reauthorized) and thus petitions such as the one at issue in this case cannot presently be approved. Given the sunset of the program, the requested extension is necessary as the agency considers the impact of the sunset on affected petitions/applications, including that of the plaintiff.

This is the government's third request for an extension of the date for its response to the complaint and for an adjournment of the initial conference.<sup>1</sup> The plaintiff consents to these requests. Counsel have conferred regarding their availability for the initial conference and respectfully propose that the conference be rescheduled for August 24, 25, 26, or 27, subject to the Court's availability.

<sup>1</sup> The government requested extensions on May 5 and June 4, 2021. See ECF Nos. 16, 18. The Court granted these requests. See ECF Nos. 17, 19.

I thank the Court for its consideration of these requests.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: s/ Michael J. Byars  
MICHAEL J. BYARS  
Assistant United States Attorney  
Telephone: (212) 637-2793  
Facsimile: (212) 673-2786  
E-mail: michael.byars@usdoj.gov

cc: Counsel of Record (via ECF)